

**IN THE CIRCUIT COURT OF SULLIVAN COUNTY, AT MILAN, MISSOURI
DIVISION ONE**

**STATE OF MISSOURI, ex. rel.
ERIC SCHMITT,
ATTORNEY GENERAL,**

Plaintiff,

v.

Case No. _____

**ANGELA NOLAND AND
DANNY NOLAND D/B/A
LITTLE BIT RANCH,**

**SERVE:
ANGELA NOLAND
58758 JASMINE RD.
UNIONVILLE, MISSOURI 63565**

**DANNY NOLAND
16705 STATE HIGHWAY 149
LIVONIA, MISSOURI 63551**

Defendants.

**VERIFIED PETITION FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY AND PERMANENT INJUNCTION, AND CIVIL PENALTIES
UNDER SECTIONS 273.325 TO 273.357 RSMO**

COMES NOW, the State of Missouri, ex. rel. Eric Schmitt, Attorney General, by and through Assistant Attorney General, Amanda Langenheim, for its cause of action against Defendants, Angela and Danny Noland d/b/a Little Bit Ranch, and states:

Introduction

Angela Noland and Danny Noland are unlicensed commercial dog breeders doing business as Little Bit Ranch in Unionville, Sullivan County, Missouri. As of

January 15, 2020, Defendants had approximately 53 dogs on the property. Since August 12, 2019, the Missouri Department of Agriculture (“Department”) has undertaken eight inspections of Defendants’ facility and noted approximately 50 violations of the Animal Care Facilities Act, including inadequate and unclean facilities, failure to provide adequate food and water, rusted fencing, sharp points in shelters, and failure to provide veterinary care. As of January 31, 2020, Defendants are operating without a license. Plaintiff seeks a permanent injunction and civil penalties to prevent continuing and future violations of the Animal Care Facilities Act and Canine Cruelty Prevention Act.

Parties

1. Eric Schmitt is the duly appointed, qualified, and acting Attorney General of the State of Missouri. The Attorney General is authorized to institute, in the name and on behalf of the State, all civil proceedings at law or in equity necessary to protect the rights and interests of the State under Section 27.060 RSMo.

2. Chris Chinn is the duly appointed Director of the Missouri Department of Agriculture (“Department”) and is responsible for the enforcement of the Animal Care Facilities Act Sections 273.325-273.357 RSMo (“ACFA”), Canine Cruelty Prevention Act Section 273.345 RSMo (“CCPA”), and the regulations promulgated thereunder.

3. Defendants, Angela Noland and Danny Noland, are commercial dog breeders doing business as Little Bit Ranch, with its principal place of business

located at 58758 Jasmine Road, Unionville, Sullivan County, Missouri. Defendants own and operate a kennel, which houses more than three intact female dogs for the primary purpose of breeding animals for sale.

Venue and Jurisdiction

4. This suit concerns violations of the ACFA and the CCPA at Defendants' operation and activity as a commercial breeder within the confines of Sullivan County, Missouri. This Court has jurisdiction over the subject matter and the parties in this action, and venue is proper pursuant to Sections 273.335 and 273.347 RSMo.

Allegations Common to All Counts

5. Until January 31, 2020, Defendants possessed an ACFA license through the Department as a commercial breeder; license number AC000BL1. *See* Exhibit A.

6. Under Section 273.325(8), RSMo, and 2 CSR 30-9.010(2)(R), a commercial breeder is a "person, other than a hobby or show breeder, engaged in the business of breeding animals for sale or for exchange in return for a consideration, and who harbors more than three intact females for the primary purpose of breeding animals for sale."

7. Defendants are subject to the requirements of the ACFA because they possessed a license issued by the Department under the ACFA and they meet the definition of a "commercial breeder" in Section 273.325.2(8), RSMo, and 2 CSR 30-9.010(2)(R). In addition, Defendants are subject to the CCPA because they meet the

definition of a “person” who has “more than ten female covered dogs” under Section 273.345, RSMo.

8. Defendants’ license expired on January 31, 2020, and they have not applied to renew their license for 2020, yet Defendants continue to operate as a commercial breeder.

COUNT I – Injunctive Relief for Posing a Substantial Ongoing Risk to the Health and Welfare of the Animals in Defendants’ Custody

9. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 8 herein.

10. Prior to Defendants’ license expiring on January 31, 2020, the Department undertook a Routine Inspection of Defendants’ kennel on August 12, 2019. *See Exhibit B.*

11. During the Department’s Routine Inspection on August 12, 2019, the Department identified multiple violations of laws, including the failure to provide veterinary care and inadequate and unclean facilities including the accumulation of weeds in outdoor runs, several unsanitary and inadequate outdoor shelters (dog igloos) that had severely damaged or missing windbreaks and contained a buildup of soiled bedding and fur. *See Exhibit B.*

12. On September 26, 2019, the Department undertook a Re-Inspection of Defendants’ kennel and identified multiple new violations of law which included violating minimum standards for outdoor and indoor facilities; health and husbandry violations, including allowing several food receptacles to accumulate mold and caked food, one of which had a maggot in it; failing to properly identify

individual dogs; and failing to provide adequate veterinary care by using and keeping expired medicine. *See Exhibit C.*

13. On September 26, 2019, the Department also issued a Letter of Warning to Defendants based on several violations identified in the August 12, 2019 Routine Inspection that Defendants failed to address or otherwise correct including inadequate and unclean facilities and the failure to provide veterinary care, specifically failing to rectify several dogs that had developed matted fur around their hindquarters. *See Exhibit C.*

14. On November 20, 2019, the Department undertook a Re-Inspection of Defendants' kennel and again identified a law violation based on Defendants failing to provide adequate veterinary care by violating the vaccination and deworming schedule outlined by their attending veterinarian for three new litters of puppies. *See Exhibit D.*

15. On November 20, 2019, the Department also issued a Letter of Warning to Defendants based on violations identified in the September 26, 2019 Re-Inspection that Defendants failed to address or otherwise correct including failing to properly identify individual dogs and providing inadequate shelter for a dog and her litter of puppies. *See Exhibit D.*

16. On January 15, 2020, the Department undertook another Re-Inspection of Defendants' kennel and again identified multiple new violations, including health and husbandry violation such as failing to provide access to potable water and allowing excessive accumulation of feces and waste in about half of the outdoor

enclosures. Additionally, Defendants failed to address or otherwise correct the identification violations identified in the September 26, 2019 and November 20, 2019 Re-Inspections by continuing to identify dogs with cattle tags on cages rather than identification affixed to individual dogs. *See Exhibit E.*

17. On January 21, 2020, the Department undertook a Focused Inspection for the purpose of ensuring the Defendants had provided the dogs with unfrozen water. *See Exhibit F.*

18. During the Focused Inspection on January 21, 2020, the Department noted all the water buckets contained frozen water, depriving the dogs' access to potable unfrozen water. After the Department observed frozen water in every water bucket, Defendant Angie Noland provided water to the dogs at the instruction and behest of the Department. *See Exhibit F.*

19. On January 21, 2020, the Department issued Defendants a Letter of Warning regarding the repeat health and husbandry violations of failing to provide access to potable unfrozen water. *See Exhibit F.*

20. On February 10, 2020, the Department undertook another Re-Inspection and identified new violations of law, including sharp, jagged metal points in the dog enclosures and failing to provide veterinary care to two male dogs that exhibited loose mucoid stool containing blood. *See Exhibit G.*

21. During the February 10, 2020 Re-Inspection, the Department also noted that Defendants failed to address or otherwise correct the repeat violations identified in the prior Re-Inspections—going back to January 15, 2020—including

failing to provide access to potable unfrozen water, improper identification, and inadequate flooring for outdoor facilities, for which the Department issued another Letter of Warning. *See Exhibit G.*

22. On March 17, 2020, the Department undertook another Re-Inspection of Defendants' kennel and identified multiple new and repeated violations, some of which posed a substantial ongoing risk to the health and welfare of the animals, including failing to seek veterinary care for a dog that was squinting her left eye, another dog that had loose stool in its enclosure, and one dog that was very thin with dry yellow discharge completely covering both eyes, green discharge coming out of his nose, and fecal matter in his fur around his tail. *See Exhibit H.*

23. In addition to the new violations identified during the March 17, 2020 Re-Inspection, the Department noted several repeat violations Defendants failed to correct, including proper identification, failing to provide access to potable unfrozen water, and sharp, jagged metal points in the dog enclosures. *See Exhibit H.*

24. On April 20, 2020, the Department undertook a Routine Inspection of Defendants' kennel and again identified many new violations as well as repeat violations that remained unaddressed, including allowing a dog to roam free, excessive buildup of feces and waste in the primary enclosures, failing to provide veterinary care, and recordkeeping violations derived from several puppies and dogs that were present during past inspections and no longer present at the kennel, yet Defendants had no record or explanation of where the dogs went. *See Exhibit I.*

25. Defendants have committed the violations identified in the previous paragraphs and the exhibits attached to the Petition, which are incorporated herein.

26. On January 31, 2020, Defendants' Animal Care Facility License, issued pursuant to Section 273.327 RSMo expired. Defendants continue to operate their kennel without an Animal Care Facilities Act License.

27. The ACFA and CCPA were enacted to protect the public and their pets by ensuring that licensed commercial dog breeders in Missouri provide animals with adequate food, water, shelter, and veterinary care.

28. If a licensed breeder does not follow the requirements of the law and poses a substantial, ongoing risk to the health and welfare of the animals, the ACFA and CCPA authorize the Department of Agriculture and the Attorney General to seek relief in court.

29. In the face of the ACFA and CCPA's mandate of animal welfare, Defendants have persistently subjected animals to inhumane conditions and failed to correct violations cited under the ACFA and CCPA.

30. Defendants' conduct as described in paragraphs 9 through 29 of this Petition constitutes repeated and consistent violations of the ACFA and CCPA that poses a substantial ongoing risk to the health and welfare of the animals in Defendants' custody.

COUNT II – Civil Penalty and Injunctive Relief for Operating Without an ACFA License

31. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 30 herein.

32. Defendants were licensed as a commercial breeder by the Department until January 31, 2020. *See* Exhibit A.

33. Defendants' license expired on January 31, 2020. *See* Exhibit A.

34. Defendants have not renewed or applied for renewal of their license.

35. Section 273.327 RSMo prohibits Defendants from conducting an ACFA-regulated activity until Defendants have an ACFA license issued by the Director of the Department.

36. ACFA Regulation 2 CSR 30-9.020(1)(R) requires operators whose licenses automatically lapse to not conduct any activity for which a license is required by ACFA until all requirements for issuing a license have been met, and a valid license has been issued.

37. Since January 31, 2020, Defendants have harbored more than three intact female dogs for the primary purpose of breeding animals for sale.

38. Since January 31, 2020, Defendants have violated Section 273.327 and 2 CSR 30-9.020(1)(R) by continuing to engage as a commercial breeder after Defendants' license expired on January 31, 2020.

39. Under Section 273.347.1, when past violations have gone uncorrected, including operating without a license, the Department may seek injunctive relief and civil penalties in an amount not to exceed one thousand dollars (\$1,000) for each violation.

COUNT III – Civil Penalty for January 21, 2020 Uncorrected Violation for Failing to Provide Adequate Water

40. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 39 herein.

41. Section 273.345.3(1), RSMo, requires that licensees provide sufficient food and clean water which includes, “access to appropriate nutritious food at least twice a day sufficient to maintain good health, and continuous access to potable water that is not frozen and is generally free of debris, feces, algae, and other contaminants[.]”

42. Regulation 2 CSR 30-9.030(2)(C)–(D) requires licensees to provide continuous access to potable water that is not frozen and is generally free of debris, feces, algae, and other contaminants, and to provide uncontaminated food in clean and sanitary receptacles.

43. Defendants violated Section 273.345.3(1), RSMo and 2 CSR 30-9.030(2)(C)–(D) on January 15, 2020 by failing to provide continuous access to potable unfrozen water and Defendants were instructed to correct this violation by providing continuous access to potable unfrozen water generally free of contaminants.

44. On January 21, 2020 the Department undertook a Focused Inspection of Defendants’ kennel and identified that all the water buckets still contained frozen water.

45. Defendants failed to correct the violation.

46. Under Section 273.347.1, when past violations have gone uncorrected, the Department may seek injunctive relief and civil penalties in an amount not to

exceed one thousand dollars (\$1,000) for each violation. Each violation shall constitute a separate offense.

COUNT IV – Civil Penalty for February 10, 2020 Uncorrected Violation for Failing to Provide Adequate Water

47. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 46 herein.

48. Defendants violated Section 273.345.3(1), RSMo and 2 CSR 30-9.030(2)(C)–(D) on January 21, 2020 by failing to provide continuous access to potable unfrozen water and Defendants were instructed to correct this violation by providing continuous access to potable unfrozen water generally free of contaminants.

49. On February 10, 2020 the Department undertook a Re-Inspection of Defendants' kennel and identified that two water buckets still contained only ice.

50. Defendants failed to correct the violation.

51. Under Section 273.347.1, when past violations have gone uncorrected, the Department may seek injunctive relief and civil penalties in an amount not to exceed one thousand dollars (\$1,000) for each violation. Each violation shall constitute a separate offense.

COUNT V – Civil Penalty for March 17, 2020 Uncorrected Violation for Failing to Provide Adequate Water

52. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 51 herein.

53. Defendants violated Section 273.345.3(1), RSMo and 2 CSR 30-9.030(2)(C)–(D) on February 10, 2020 by failing to provide continuous access to potable unfrozen water and Defendants were to correct this violation by providing continuous access to potable unfrozen water generally free of contaminants.

54. On March 17, 2020 the Department undertook a Re-Inspection of Defendants’ kennel and identified that two water buckets were completely empty and two waters buckets contained dirty water.

55. Defendants failed to correct the violation.

56. Under Section 273.347.1, when past violations have gone uncorrected, the Department may seek injunctive relief and civil penalties in an amount not to exceed one thousand dollars (\$1,000) for each violation. Each violation shall constitute a separate offense.

**COUNT VI – Civil Penalty for September 26, 2019 Uncorrected Violation
for Failing to Provide Adequate Shelter**

57. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 56 herein.

58. Defendants violated Section 273.345.3(3) RSMo and 2 CSR 30-9.030(1)(A)–(F) on August 12, 2019 by maintaining unsanitary surfaces including a buildup of soiled bedding and fur inside several outdoor dog igloos and Defendants were instructed to correct this violation by August 19, 2019.

59. On September 26, 2019, the Department undertook a Re-Inspection of Defendants’ kennels and identified that an outdoor dog igloo still contained soiled bedding and matted fur.

60. Defendants failed to correct this violation.

61. Under Section 273.347.1, when past violations have gone uncorrected, the Department may seek injunctive relief and civil penalties in an amount not to exceed one thousand dollars (\$1,000) for each violation. Each violation shall constitute a separate offense.

COUNT VII – Civil Penalty for September 26, 2019 Uncorrected Violation for Failing to Provide Adequate Shelter

62. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 61 herein.

63. Defendants violated Section 273.345.3(3) RSMo and 2 CSR 30-9.030(1)(A)–(F) on August 12, 2019 in that most of the outdoor pens had eroded, leaving bare dirt exposed. Defendants were to correct this violation by September 11, 2019 by adding aggregate or concrete to cover the exposed dirt in the runs.

64. On September 26, 2019, the Department undertook a Re-Inspection of Defendants' kennels and identified that the bare dirt in the runs had not been covered with aggregate or concrete.

65. Defendants failed to correct this violation.

66. Under Section 273.347.1, when past violations have gone uncorrected, the Department may seek injunctive relief and civil penalties in an amount not to exceed one thousand dollars (\$1,000) for each violation. Each violation shall constitute a separate offense.

COUNT VIII – Civil Penalty for April 20, 2020 Uncorrected Violation for Failing to Provide Sanitary Facilities

67. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 66 herein.

68. Under 273.344.2 RSMo, “[p]ersons and facilities who are subject to section 273.325 to 273.357 . . . shall comply with rules promulgated by the director which establish standards relating to . . . [a]dequate shelter, including proper conditions of sanitation and ventilation[.]”

69. “Sanitize means to make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to health[.]” 2 CSR 30-9.010.(2)(VV).

70. Regulation 2 CSR 30-9.030(2)(E) governs cleaning, sanitation, housekeeping, and pest control requirements for licensees.

71. Defendants violated Section 273.344.2 RSMo and 2 CSR 30-9.030(2)(E) on March 17, 2020 by allowing an excessive accumulation of feces and waste to build up under both the indoor and outdoor portions of the shelter and Defendants were to correct this violation by March 24, 2020.

72. On April 20, 2020, the Department undertook a Re-Inspection of Defendants’ kennels and identified that the excessive accumulation of feces and waste had not been removed from under the outdoor portions of the runs.

73. Defendants failed to correct this violation.

74. Under Section 273.347.1, when past violations have gone uncorrected, the Department may seek injunctive relief and civil penalties in an amount not to

exceed one thousand dollars (\$1,000) for each violation. Each violation shall constitute a separate offense.

COUNT IX – Civil Penalty for November 20, 2019 Uncorrected Violation for Failing to Properly Identify Dogs

75. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 74 herein.

76. Under 273.344.2 RSMo, “[p]ersons and facilities who are subject to section 273.325 to 273.357 . . . shall comply with rules promulgated by the director which establish standards relating to . . . [m]aintenance of records of acquisition and disposition of animals in the custody of the licensee.”

77. Regulation 2 CSR 30-9.020(9) governs proper identification methods for licensees.

78. Defendants violated Section 273.344.2 RSMo and 2 CSR 30-9.020(9) on September 26, 2019 in that many dogs were lacking proper identification, a basic tenet of proper husbandry records. Defendants were to correct this violation by October 26, 2019.

79. On November 20, 2019, the Department undertook a Re-Inspection of Defendants’ kennels and dogs were still identified with cattle tags affixed to enclosures rather than permanent or individual identification affixed to each dog.

80. Defendants failed to correct this violation.

81. Under Section 273.347.1, when past violations have gone uncorrected, the Department may seek injunctive relief and civil penalties in an amount not to

exceed one thousand dollars (\$1,000) for each violation. Each violation shall constitute a separate offense.

COUNT X – Civil Penalty for January 15, 2020 Uncorrected Violation for Failing to Properly Identify Dogs

82. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 81 herein.

83. Defendants violated Section 273.344.2 RSMo and 2 CSR 30-9.020(9) on November 20, 2019 in that many dogs were lacking proper identification, a basic tenet of proper husbandry records. Defendants had already been instructed to correct this violation during an inspection which took place on September 26, 2019.

84. On January 15, 2020, the Department undertook a Re-Inspection of Defendants' kennels and dogs were still identified with cattle tags affixed to enclosures rather than permanent or individual identification affixed to each dog.

85. Defendants failed to correct this violation.

86. Under Section 273.347.1, when past violations have gone uncorrected, the Department may seek injunctive relief and civil penalties in an amount not to exceed one thousand dollars (\$1,000) for each violation. Each violation shall constitute a separate offense.

COUNT XI – Civil Penalty for February 10, 2020 Uncorrected Violation for Failing to Properly Identify Dogs

87. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 86 herein.

88. Defendants violated Section 273.344.2 RSMo and 2 CSR 30-9.020(9) on January 15, 2020 in that many dogs were lacking proper identification, a basic tenet of proper husbandry records. Defendants had already been instructed to correct this violation during an inspection which took place on September 26, 2019.

89. On February 10, 2020, the Department undertook a Re-Inspection of Defendants' kennels and dogs were still identified with cattle tags affixed to enclosures rather than permanent or individual identification affixed to each dog.

90. Defendants failed to correct this violation.

91. Under Section 273.347.1, when past violations have gone uncorrected, the Department may seek injunctive relief and civil penalties in an amount not to exceed one thousand dollars (\$1,000) for each violation. Each violation shall constitute a separate offense.

COUNT XII – Civil Penalty for March 17, 2020 Uncorrected Violation for Failing to Properly Identify Dogs

92. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 91 herein.

93. Defendants violated Section 273.344.2 RSMo and 2 CSR 30-9.020(9) on February 10, 2020 in that many dogs were lacking proper identification, a basic tenet of proper husbandry records. Defendants had already been instructed to correct this violation during an inspection which took place on September 26, 2019.

94. On March 17, 2020, the Department undertook a Re-Inspection of Defendants' kennels and identified dogs were still identified with cattle tags affixed to enclosures rather than permanent or individual identification affixed to each dog.

95. Defendants failed to correct this violation.

96. Under Section 273.347.1, when past violations have gone uncorrected, the Department may seek injunctive relief and civil penalties in an amount not to exceed one thousand dollars (\$1,000) for each violation. Each violation shall constitute a separate offense.

COUNT XIII – Civil Penalty for April 20, 2020 Uncorrected Violation for Failing to Properly Identify Dogs

97. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 96 herein.

98. Defendants violated Section 273.344.2 RSMo and 2 CSR 30-9.020(9) on March 17, 2020 in that many dogs were lacking proper identification, a basic tenet of proper husbandry records. Defendants had already been instructed to correct this violation during an inspection which took place on September 26, 2019.

99. On April 20, 2020, the Department undertook a Routine Inspection of Defendants' kennels and dogs were still identified with cattle tags affixed to enclosures rather than permanent or individual identification affixed to each dog.

100. Defendants failed to correct this violation.

101. Under Section 273.347.1, when past violations have gone uncorrected, the Department may seek injunctive relief and civil penalties in an amount not to exceed one thousand dollars (\$1,000) for each violation. Each violation shall constitute a separate offense.

WHEREFORE, the State asks this Court for a Judgment granting the following relief:

A. Issuing a Preliminary and Permanent Injunction prohibiting Defendants from any further violations of the ACFA and the regulations duly promulgated thereunder;

B. Issuing a Preliminary and Permanent Injunction prohibiting Defendants from operating as a commercial breeder until such time as Defendants complete the procedure applicable to all new applicants, including the requirement that the facility and all practices employed at the facility meet all requirements promulgated under 2 CSR 30-9.010 through 2 CSR 30-9.030.

C. Issuing an Order that allows the Department free and unrestricted access to inspect the Defendants' facilities, animals, premises, and records during normal business hours;

D. Assessing against Defendants a civil penalty in an amount up to one thousand dollars (\$1,000.00) per violation of the ACFA in accordance with Section 273.347 RSMo;

E. Assessing costs of these proceedings against Defendant; and

F. Granting such other relief as may be just and proper.

Respectfully submitted,

ERIC SCHMITT
Attorney General

/s/ Amanda R. Langenheim
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ATTORNEYS FOR PLAINTIFF

STATE OF MISSOURI)
) SS VERIFICATION OF MATT ROLD
COUNTY OF COLE)

1. MATT ROLD, being duly sworn upon oath, deposes and states as follows:
2. I am the Program Manager for the Animal Care Facilities Act Program in the Jefferson City Office of the Missouri Department of Agriculture.
3. I have read the foregoing petition, and know the contents thereof.
4. The statements and matters alleged are true of my own personal knowledge, except as to those matters stated upon information and belief and, as to such matter, I believe them to be true.

DATED this 14th day of May, 2020.

Matt Rold
Matt Rold
Program Manager

Subscribed and sworn to before me this 14th day of May, 2020

My Commissions expires:

